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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS,
INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION, IN ALL
COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT
COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER
COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Written statement submitted by Centre Europe Tiers-Monde,
a non-governmental organization on the Roster

The Secretary-General has received the following written statement,
which is circulated in accordance with Economic and Social Council
resolution 1996/31.

[25 June 1999]

Land concentration in Brazil, a policy of poverty

1. The question of land and its unequal distribution lies at the heart of the problems of economic, social and cultural rights and the right to development in many countries of the South. Indeed, the lack of access to the means of production is not unrelated to the problem of extreme destitution affecting hundreds of millions of rural inhabitants throughout the world.

2. In many countries the question of agrarian reform is raised in vain with the economic and political authorities, which are hostile to land redistribution and indeed look favourably on a concentration that benefits the rich families and foreign companies wishing to set up in business at low cost and gain access to cheap labour prepared to accept the most arduous working conditions.

3. Centre Europe Tiers-Monde (CETIM) wishes to point out that the consequences of this unequal distribution of land for all human rights are a subject of major concern to the organizations of civil society in many "developing" countries. It must be stressed that the maintenance of land concentration has an impact not only on economic, social and cultural rights but also on civil and political rights.

4. Firstly, the phenomenon of land concentration leads to poverty and to severe deterioration in living conditions for the population. The exclusion of a large proportion of citizens constitutes a denial of their economic and social rights: the right to food, the right to health, the right to work, the right to just and favourable conditions of work, the right to an adequate standard of living, etc.

5. Secondly, acts of civil resistance to these difficult economic and social conditions are severely repressed by the authorities in power, which constitutes a deliberate violation of civil and political rights.

In Brazil, exclusion and repression go hand in hand

6. In Brazil, there is an extreme concentration of land in the hands of the big landowners. 2.8 per cent of landowners own over 56 per cent of agricultural land, and 1 per cent of farms occupy 45 per cent of the total area. On the other hand 50 per cent of small landowners have only 2.5 per cent of the area but employ about two thirds of the rural population.

7. The Brazilian authorities, unable to justify their policy of exclusion in any way, often blame natural phenomena as being solely responsible for human catastrophes when they occur. The same attitude is taken by other Governments, as we reported in the case of hurricane Mitch, for example. 1/ However, if climatic events have such an impact on impoverished populations, this is precisely because a discriminatory policy is conducive to the deterioration of the living conditions of the deprived sections of society; the population is thus made vulnerable to natural events such as floods, drought, plagues of insects, etc.

8. What is civil society blaming on the Brazilian Government with regard to land? Despite the existence of the National Institute for Settlement and

Agrarian Reform (INCRA) and despite the promises made by various Governments to tackle the issue of land redistribution, very few genuine steps have been taken to change the situation. Whereas land is plentiful, an enormous proportion of small farmers are still landless and have no resources. Brazil has an area of 850 million hectares, 390 million of which are considered suitable for agriculture by the INCRA. Yet 31 per cent of this land is left unused.

9. The main argument put forward by the Brazilian Government is that the expropriation of land is an expensive and slow process. The Government claims that it cannot afford to buy back land from the big landowners. In fact, it is pressure from the big landowners on the Government and their presence within the nation's most powerful bodies that compel the Government to pay them high levels of compensation.

10. In opposition to this, civil society, made up of many NGOs, cooperatives, farmers' associations and rural movements, sets out a different approach to agrarian reform, based on respect for human rights and not on the economic interests of the richest, a reform that has frequently been imagined but never achieved.

11. A number of points are made by these movements. First of all, many of the estates have no legitimacy; some are merely the result of illegal political arrangements. Consequently, the legal basis of certain estates, most of them huge, should be questioned at Government level. Furthermore, a substantial number of these estates leave large areas of land unfarmed. In fact, many landowners do not make use of all the land because they are simply not accustomed to doing so.

12. In many cases, therefore, it is neither legitimate nor necessary to buy land back from the big landowners. Instead, objective criteria should be applied to determine the true ownership of the land. Seizure by the State of land that is held illegally and/or unused would permit equitable redistribution to small farmers in need.

13. The authorities do not take these proposals into account and claim they do not have the resources to help the poor, yet this is the commitment they entered into when they ratified the various international human rights instruments.

The "Land Bank" of the World Bank

14. Caught up by market forces, which are virtually the sole decision-makers, and swept along by the ultraliberal drive towards globalization, the Brazilian Government is abandoning the idea of expropriating immense areas of land that have been monopolized and often left unused by the big landowners. In this it is supported by the World Bank, which is proposing a "Land Bank" programme. This programme started in 1997 with the stated aim of offering funds to landless peasants so that they could purchase their plots direct from the landowners. However, this programme, which is presented as profitable to small farmers, is being roundly criticized by civil society in Brazil. It is regarded as a deception inasmuch as it is

an inappropriate response chosen by the Brazilian Government in order to avoid undertaking a genuine agrarian reform, even though such a reform is laid down in the 1988 Constitution.

15. With this programme the Government itself of all is implicitly recognizing the legitimacy of land ownership as it currently stands in Brazil and decidedly is abandoning its formal commitments to the redistribution of land by asking small farmers to pay for their land themselves with the aid of a loan, preventing this aid by the international community (World Bank) and the national authorities. In this way agrarian reform is deliberately being abandoned so that market forces can prevail. Moreover, this programme would cause small farmers to get into debt and would do nothing to bring about a satisfactory improvement in their situation. It would also enable the authorities to pass their responsibilities on to the private sector. The problem of agrarian reform would no longer fall within their competence.

16. The main criticisms levelled by the major rural organizations are as follows:

Whereas the World Bank has announced the allocation of US\$ 200 million annually for the Land Bank, the Government of President Fernando Collor has cut from the Budget 700 million reais (US\$ 1 - 1.5 million) allocated for agrarian reform.

If farmers join this programme, they are no longer eligible for the subsidies allocated by the country's various institutions, such as FNCSEA (Special Credit Programme for Agrarian Reform) or INCRA, which in normal times make incentive credits available. Thus they would have no assistance for starting up and for refinancing the loans they enter into to purchase their land.

Control of the land remains in the hands of the big landowners. Land will only be distributed if the owner wishes to sell it. Moreover, since the owner can decide what land he wants to sell, only poor-quality land will be sold.

The Land Bank legislation provides for the establishment of producers' associations with access to the programme. The programme would thereby tend to strengthen the electoral alliances of Brazil's rural oligarchies, and would be conducive to the political subjugation of the poor.

In replacing expropriation by the Land Bank, the authorities and the World Bank are rewarding the big landowners, who will receive cash for the land they sell instead of agrarian debt certificates payable over a 20-year period.

Expansion of the programme to the entire country will lead to a substantial increase in land prices. The big landowners will become speculators by organizing themselves into cartels and pushing the price up in each district. Landless peasants and small farmers will be obliged to finance the purchase of land at prohibitive prices.

Thus the majority of civil society believes that this programme will tend to increase poverty, not to combat it as is widely proclaimed by the World Bank and the Cardoso Government.

Democratic resistance and repression

17. The poverty, injustice and inequity prevailing within rural Brazilian society have led in recent years to extensive non-violent resistance movements by the rural populations. The Landless Peasants Movement (MST), for example, which is well known internationally, carries out activities simply aimed at occupying land that is unused by the big landowners so as to grow crops and make a living. While battling for respect for their economic, social and cultural rights, which are flouted by the authorities, the small farmers are subjected to civil and political repression: arbitrary arrests, torture, rape, summary execution, massacres, etc. This occurs in particular during "evacuations" of land occupied by the landless, which give rise to all kinds of abuses. However, such repression is also a constant feature in the everyday lives of members of the MST and other protest movements: arrest, detention, torture, etc.

18. Between 1985 and 1997, 1,003 small farmers were murdered in Brazil. Only 56 of these murders led to criminal proceedings and only a few of the cases came to trial. There is almost total impunity. Two peaks of violence were reached with the massacres at Corumbiara (9 August 1995) and Eldorado de Carajás (17 April 1996). In the former, 11 farmers were killed during the evacuation of the land by the military police. Many people were tortured and humiliated and 90 were seriously injured. In the second massacre, 19 people were killed.

19. For 1998, it is reported that 32 workers were murdered, 142 workers were imprisoned and 20 people were tortured in the Tocantins region. There were a number of cases of torture in other regions, all linked to the MST, not to mention the acts of violence, threats and frequent attacks of all kinds suffered by the farmers at the hands of the military police. This violence is particularly severe during illegal night-time evacuations, especially this year in Paraná state. Today over 60,000 families are still living in makeshift camps, in complete violation of the Brazilian Constitution. Many of them have been living in these camps for over 10 years. 2/

20. The Brazilian Government, which is facing genuine national and international pressure on the question of land, is endeavouring on the one hand to discredit the MST, despite its broad grassroots support, and on the other hand to camouflage its abandonment of agrarian reform through the Land Bank programme being undertaken jointly with the World Bank. This programme, set up without consulting the citizens concerned (rural organizations, indigenous and Afro-Brazilian communities, plantation workers, etc.) as ought to have been the case, shows how the World Bank persistently imposes inappropriate projects in agreement with the privileged groups of the countries of the South. It is a model that was devised abroad and not developed by the local democratic organizations.

21. We urgently request the Sub-Commission on Prevention of Discrimination and Protection of Minorities to intervene with the Brazilian Government so

that the latter complies with the International Covenant on Economic, Social and Cultural Rights and in particular article 11, which recognizes, inter alia, "the right of everyone to an adequate standard of living ... and [the need for] reforming agrarian systems ...", together with the provisions of the International Covenant on Civil and Political Rights.

Notes

1/ See written statement by CETIM to the Commission on Human Rights: "Hurricane Mitch, a natural disaster seriously aggravated by the structural adjustment policies and questionable actions of Governments and transnational companies" (E/CN.4/1999/NGO/100).

2/ For further information on the violation of the civil and political rights of rural inhabitants, see the report "Human rights and the MST struggle, report 1998", which is available on request.
